

Panaji, 6th December, 1984 (Agrahayana 15, 1906)

SERIES II No. 36

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 12/3/84-PER

Sanction is hereby accorded to the deputation of Shri E. B. S. Kossambe, Asstt. Engineer, Public Works Department to Goa, Daman and Diu Industrial Development Corporation as Sr. Development officer in the pay scale of Rs. 1200-1600.

2. The period of deputation shall be one year in the first instance.

3. The deputation of Shri. E. B. S. Kossambe shall be governed as per the standard terms of deputation including fixation of pay under F. R. 35 as contained in Appendix 31 of C. S. R. Vol. II Part II and as amended from time to time.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 30th November, 1984.

### Works, Education and Tourism Department

Order

No. 3/1-1/83/WET

Read: Government order No. 3/1/83/WET dated 4.10.1983.

Sanction of the Government is hereby conveyed to the extension of deputation of Shri V. B. Prabhugaonkar, Special Auditor in the Registrar of Cooperative Societies, South Zone, Margao to the Irrigation Department, Panaji as Credit-in-charge for a further period of one year upto 24.10.1985.

The deputation of Shri V. B. Prabhugaonkar will be governed by the standard terms and conditions prescribed by Government of India, Ministry of Finance (Department of Expenditure) O. M. No. F(II)E-III(B)/75 dated 7.11.1975 as amended from time to time.

By order and in the name of the Administrator of Goa, Daman and Diu.

D. N. Accawade, Under Secretary to the Govt. of Goa, Daman and Diu.

Panaji, 30th November, 1984.

### Forest and Agriculture Department

Corrigendum

No. 2-9-77-AH

In the Government Order No. 2-9-77/AH dated 24th August, 1983, the name of Dr. K. R. Pushpakaran appearing at Sr. No. 9 may be read at Sr. No. 7. Consequently the names of Dr. A. S. Nazareth and Dr. B. R. Chowgule will be at Sr. No. 8 and 9 respectively.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. P. Panvelkar, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 24th November, 1984.

### Revenue Department

Notification

No. 22/186/83-RD

Whereas by Government Notification No. 22/186/83-RD dated 27-9-1984 published on page 464 of Series II, No. 26 of the Official Gazette dated 28-9-1984, it was notified under Section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the land specified in the schedule appended to the said notification (hereinafter referred to as the "said land") was needed for public purpose viz. for allotment of house sites under New 20 Point Programme at Boma, Ponda.

And whereas in the opinion of the appropriate Government (hereinafter referred to as the Government) the said land is not required for the aforesaid purpose.

Now, therefore, the Government is pleased to declare under sub-section (1) of Section 48 of the said Act that it has withdrawn from acquisition of the said land for the aforesaid public purpose and that the aforesaid Government notification shall be deemed to be cancelled so far as it relates to the said land. The persons interested in the said land, may lodge to the Additional Deputy Collector, Goa North Division, Panaji, within a period of thirty days from the date of this notification claims under sub-section (2) of Section 48 of the said Act, for the damages suffered by them in consequence of the notice or of any proceedings thereunder and for costs reasonably incurred by them in persecution of the proceedings under the said Act relating to the said land.

A plan of the land, shall be available for inspection in the Office of the Additional Deputy Collector, Goa North Division, Panaji, for a period of thirty days from the date of this notification.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 19th November, 1984.

## Notification

No. RD/TNC/BND/280/67

In pursuance of the proviso to sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bund prescribed in the schedule appended hereto as protective bund for the purpose of the said proviso:—

## SCHEDULE

Sr. No.	Name of the bund	Village	Taluka	Approximate area protected (in Hectares)	Description of the bund
1	2	3	4	5	6
	"Bund of Mascarenhas"	Siridao	Tiswadi	16.50 Ha.	The bund starting from the paddy field belonging to Mascarenhas situated at Siridao and ending with the same paddy field belonging to Mascarenhas. The bund is running marginal to the creek of river Zuari at Siridao.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 21st November, 1984.

## Industries and Labour Department

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th November, 1984.

Society and explanations given to these memos were not satisfactory. Notices were served on the applicant by the Liquidator to repay the excess amount of Rs. 650/- collected from M/s. United Travels and salary receivable amount of Rs. 348/-, but the applicant failed to settle the same.

3. On the date fixed for the hearing of the application, the applicant remained absent. The opponent was present. Since it was for the applicant to prove the contents of his application by giving his statement in Open Court, so as to enable the Opponent to cross-examine him and since he has failed to do so, this application is dismissed for default, with Rs. 50/- as costs to the Opponent.

Dr. Renato de Noronha  
Presiding Officer  
Industrial Tribunal

Order

No. 28/2/79-ILD

## IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: IT/44/82-Misc.

- |  |             |
|--|-------------|
| 1. Shri B. R. Prabhu   | — Applicant |
| V/s.   |             |
| 1. M/s. North Goa State Transport Co-op. Society Limited., rep. by its Liquidator. | — Opponent  |

Panaji, Dated: 12-11-1984

## A W A R D

This is an application filed by the above applicant against the above Opponent, praying that the order passed by this Tribunal on 2-12-1982 in reference No. IT/44/82, be set aside and the reference heard afresh.

It is alleged by the applicant that he was not mentally well and admitted in hospital at Ratnagiri. At the relevant time when notices were issued to him, he was not in Goa, and the notices were returned unserved. Due to the absence of the parties, the reference in question was disposed off. The applicant came to know of this order recently.

2. Heard the other party, it objected to the application on the ground that the applicant was admitted to Mental Hospital on 25-5-1982 and discharged on 30-6-1982, as per the certificate produced by him. It is clear from this certificate that the applicant was mentally fit at the time of both the hearings fixed by the Industrial Tribunal, i.e. on 18-10-1982 and 2-12-1982. So, the contention of mental disorder of the applicant as a ground for his non appearance in court is false.

On the merits, it is stated that the applicant was issued several memos on many occasions by the Management of the

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th November, 1984.

## IN THE LABOUR COURT GOA, DAMAN AND DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/7/84

- |                       |             |
|-----------------------|-------------|
| 1. Shri Joseph S. Vaz | — Applicant |
| V/s.                  |             |
| 1. M/s. G. N. Agrawal | — Opponent  |

Applicant represented by Shri P. Ghodgé, President of The Goa Shops & Industrial Workers' Union.

Panaji, dated: 9th November 1984.

## A W A R D

This is an application under Section 33C(2) of the I.D.A. 1947, in short the Act, filed by the above applicant against the above opponents, claiming from the latter the total amount of Rs. 4,583.36 with interest.

2. It is applicant's case that he was employed with the Opponent at the Head Office at Margao from 2-2-1958 as

a typist. His services were terminated by the Opponent since 24-9-1983. He was not paid his salary from June 1983 onwards, which amount he is entitled to receive with interest. He has specified his claim under para 5 of the annexure which comprises of wages from June 1983 upto September 1983 and bonus for the financial years 1981-82 and 1982-83, totalling Rs. 4,583.36.

3. The Opponent, in its reply, has raised some preliminary objections and, on the merits, denied that the services of the workman were illegally terminated. According to the Opponent, the applicant refused to go on transfer to Bimbol Mines of the Opponent, which refusal is illegal. Regarding his dues, it is stated that it was for the applicant to receive his salary from the office of the Bimbol Mines where he was transferred and not rush to the Court. It is denied that a sum of Rs. 781/-, being wages for September 1983, is due to the applicant; the maximum salary the applicant would be entitled to in the month of September 1983 would be Rs. 572-62 for the period from 1-9-1983 till 22-9-1983 for which the applicant worked at the Head Office.

4. Following issues were framed by the Court:

"1. Whether the applicant proves that he is entitled to the amounts claimed?

2. Whether the Opponent proves that this Court has no jurisdiction to entertain the applicant's claim under Section 33C of the Act?

3. Whether the applicant proves that he is the workman within the meaning of Section 2(s) of the Act?

4. Whether the Opponent proves that the applicant did not join his services at Bimbol Mines as per transfer order and remained absent unauthorisedly till the present date?

5. What relief?"

5. Before the case was taken up for hearing, both the parties arrived at an amicable settlement, the terms of which were filed and prayed that consent award be passed accordingly.

6. The compromise terms filed by the parties are as follows:

"1. That the applicant has tendered his application of resignation from the services of the opponent today, and the same is to be considered to be in effect from 22-9-83. In other words the Opponents have accepted the said resignation and the workman (Applicant) stands relieved from the services of the opponents with effect from the closing hours of 22-9-1983.

2. That the Opponent agree and admit that a total salary of Rs. 2,913-23 is due to the employee being the salaries for the months of June, July, August '83 and the salary from 1-9-83 to 22-9-83. The employer further admits that a sum of Rs. 1,820-06 is due to the workman being the Bonus for the period from 1-4-81 to 22-9-83.

3. The employer further admits that they owe the workman a further sum of Rs. 1,366-75 being the leave wages upto the period 22-9-83.

4. The employer further admits that they owe to the workman a sum of Rs. 12,495/- being the gratuity for the entire period of service.

5. In short, it is admitted by the parties hereto that a total sum of Rs. 18,595-04 is due by the employer to the workman.

6. The employer shall pay to the workman the entire amount referred to above in 2 instalments i.e. a sum of Rs. 8,595-04 on or before 30-11-1984 and the balance amount of Rs. 10,000/- shall be paid on or before 31-12-1984.

7. In the event the employer fails to pay the above dues within the stipulated period the workman shall be at liberty to take any legal action for recovery of the same and the said amount shall carry on default an interest at the rate of 12 p.c. per annum (simple interest).

8. The parties hereby declare that the workman has no dues recoverable from the employer and also no other claim of whatsoever nature against the employer, besides the above mentioned dues totalling to Rs. 18,595-04.

9. The employee shall withdraw all the cases filed by him before any Court of Law immediately upon the payment of the entire above referred dues.

There will be no order as to costs.

A consent award be passed accordingly."

7. The above terms have been duly considered by me and I feel that they are just and fair to both the parties. Hence, I accept them and pass the following order:

Order

Consent Award in terms of the above settlement is hereby made and the application is disposed off, with no order as to costs.

Dr. Renato de Noronha  
Presiding Officer  
Labour Court

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Blekar, Under Secretary (Industries and Labour).

Panaji, 20th November, 1984.

# IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/56/84

1. Shri Ainodin Aga — Workman/Party I  
V/s.

1. M/s. Minerals Metals Trading Corporation of India Ltd. — Employer/Party II

Panaji, dated: 14-11-1984

## A W A R D

The Government of Goa, Daman & Diu, by its Order No. 28/43/84-ILD dated September 29, 1984, has referred for the adjudication by this Tribunal of an industrial dispute between the above parties. The schedule annexed to the Order of Reference reads as follows:

"1. (a) Whether the action of M/s. M.M.T.C. of India Ltd. in treating the letter dated 27-1-83 of Shri Ainodin Aga, Assistant as resignation letter and relieving him from the services is legal and justified?

(b) And if not, whether action of the said employer to refuse employment of Shri Aga from 1-6-83 amounts to termination of his services?

2. To what relief either of the parties are entitled to?"

2. On the date fixed for the filing of the claim statement, both the parties approached the court and stated that they had arrived at an amicable settlement and filed a Memorandum of settlement.

3. I have perused the Memorandum of settlement which shall form part of this Award and in which both the parties have stated their mutual contentions and how they have been settled by virtue of this memorandum. The settlement terms are fair and just to both the parties and, hence, I accept them and pass the following order:

## ORDER

Consent Award in terms of the above settlement is hereby made and the reference is disposed off with no order as to costs.

Dr. Renato de Noronha  
Presiding Officer  
Industrial Tribunal

## MEMORANDUM OF SETTLEMENT

Under Sec. 2 (P) of Industrial Disputes Act, 1947

## Name of Parties:

Representing Employer (s): The Minerals & Metals Trading Corporation of India Ltd., Vasco da Gama.

Representing Workman: Shri Ainodin Aga, Asstt.

The case of the Workman Shri Ainodin Aga is that he was employed as Assistant at Vasco Branch Office of M.M.T.C. of India Ltd. with effect from 6-4-1970 and that his services were terminated with effect from 1-6-1983. The Workman stated that the reason given by the Employer is that his resignation has been accepted is not correct as in reality he had never tendered his resignation. That he had been on leave with effect from 7-12-1982. That he could not attend the duties from 7th onwards and that he had sent the communication to the Employer under his letter dated 7-12-1982 requesting to sanction leave till 22-1-1983. Thereafter he sent another letter dated 27-1-1983 requesting the Management to extend leave upto 1-4-1983. However, on 8-2-1983 he received a Memorandum from the Management stating that they will treat his letter dated 27-1-1983 as notice of resignation and he will be relieved from the services of the Corporation after three months from 27-1-1983 subject to his clearing of all the dues before 31-3-1983. The Workman further stated that after the receipt of this Memorandum, he informed the Employer on 27-5-1983 to allow him to join duties from 1-6-1983 as his domestic problems had been solved to a great extent and the improvement in the health of his mother and accordingly reported for duties at Vasco office on 1-6-1983 and he was not allowed to join duties. The Workman alleged this amounts to termination of his services without any reason and notice and therefore illegal and demanded reinstatement in the services with continuity and full back wages on the same terms and conditions.

The case of the employer is that in November 1982 Shri Aga applied for 3 weeks leave from 20-11-1982. Later on 8-12-1982, he requested for extension of leave upto 22-1-1983 on the grounds of his mother's Sickness. Consequently on 27-1-1983, Shri Aga informed the Corporation that it will not be possible for him to continue in service and that he would tender his resignation in April, 1983. He also informed that he would be joining the duties during the notice period. However, he did not report on 1-4-83. The Employer further stated that the letter of 27-1-1983 was followed by another letter dated 31-1-1983 stating that in view of his "decision to resign" from the services he wishes to clear welfare and conveyance allowance dues at the first instance and he further requested that the details of such dues may be furnished to him. It was compiled with. The Employer added that Shri Aga did not join in April 1983 nor did he sent any communication or replied to the Memorandum dated 8-2-1983 wherein it was decided to treat his letter dated 27-1-1983 as 3 months notice required in case of such resignation and that Shri Aga would be relieved from the services of the Corporation 3 months after the date of the said letter. It is further submitted by the Employer that in the instant case there was nothing on record to show that Shri Aga had ever expressed his intention to withdraw the resignation before the date on which it was to be effective i. e. 27-4-1983 as indicated in the office memorandum dated 8-2-1983. His resignation was subject to clearance of all the dues and that initial communication and settlement of his dues could not be done in absence of Workman's failure to report for clearing the amount, as in this Shri Aga is to repay a loan taken by him amounting to Rs. 50,383.60 on account of House Building advance and various Welfare advances. He was also informed through Employer's Memorandum dated 10-3-83 and 16-3-1983 of various amount due from him on account of loan taken by him. Shri Aga thus having failed to report for duties and as vide Memorandum dated 8-2-83 issued to him by the company treating him as if he has resigned, therefore question of allowing him to report for duties on 1-6-1983 did not arise.

The above dispute has been amicably settled between the parties and the Workman has joined duty on 30th June, 1984 with continuity of service and all benefits thereof but without any backwages with the condition that his period of absence will be treated as "Leave without Pay."

In view of this amicable settlement, the dispute may be treated as closed.

## Signature of the Parties

P. Ponnambalam  
Jt. Divisional Manager  
For MMTC of India Limited,  
(EMPLOYER)

Shri Ainodin Aga  
Assistant  
(WORKMAN)

## Witness:

1. K. K. Kutty, OM
2. S. V. Naik, DDM.

## Notification

No. 26/10/84-ILD

In exercise of the powers conferred by sub-section (1) of section 25 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Lieutenant Governor of Goa, Daman and Diu hereby appoints the Additional Inspectors of Factories as Assistant Public Prosecutors for the purpose of conducting the prosecutions under the Factories Act, 1948 and the rules made thereunder in respect of which the Government of Goa, Daman and Diu is the appropriate Government (throughout the Union Territory of Goa, Daman and Diu).

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 29th November, 1984.

## Law Department (Establishment)

## District and Sessions Court

## Order

No. DSC/PF/ADS/7/84/3858

Shri Anand D. Salkar, Civil Judge, Junior Division and J.M.F.C., Mapusa is hereby granted Leave for 6 days w.e.f. 26-11-84 to 1-12-84 with permission to prefix 25-11-84 being Sunday and to suffix 2nd & 3rd December, 1984 being Sunday and public holiday. The nature of leave will be specified later.

Certified that but for proceeding on leave he would have officiated as Civil Judge, Jr. Div., and J.M.F.C.

On expiry of leave granted, he is likely to be reposted in the same post and at the same station from where he is proceeding on leave.

Shri Nelson A. Britto, Civil Judge, Junior Division and J.M.F.C., Panaji is kept in-charge of the post of the Civil Judge, Jr. Divn. and J.M.F.C., Mapusa, in addition to his own duties, in the absence of Shri A. D. Salkar on leave.

He is permitted to avail L.T.C. for self and his family members for the block year 1982-85 to visit Shirdi.

This is issued in supersession of the order No: DSC/JO/L/159/84/3640 dt. 8-11-1984 granting Leave for 13 days w.e.f. 19-1-84 to 1-12-84 to Shri A. D. Salkar.

Alvaro de Noronha Ferreira, District & Sessions Judge.

Panaji, 23rd November, 1984.